



MEMO ENDORSED

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August 29, 2022

via ECF

Hon. Edgardo Ramos
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

The defendants are granted leave to re-file their summary judgment motion to correct filing deficiencies. It is SO ORDERED.

Edgardo Ramos, U.S.D.J

Dated: August 29, 2022

New York, New York

**Re: *Xia, et al. v. 65 West 87th Street Housing Development Fund Corporation et al.*,
Case No. 1:20-cv-03576 (ER)**

Dear Judge Ramos:

We represent the Defendants in the above-referenced action and write to advise the Court of a practical issue concerning Defendants' recent summary judgment filing.

On Friday, August 26, 2022, Defendants filed their summary judgment motion (ECF Docs. No. 122-128). Due to technical issues encountered during the filing, the related papers were filed deficiently (although they were uploaded, with the exception of Exhibit V which the system would not permit filing as it identified the file as "corrupt"). We have advised Plaintiffs' counsel that we wish to reupload all of the documents to correct the filing deficiencies and counsel has consented to our re-filing the motion papers and to deem the motion timely filed, provided that there are no changes made to the filing. We advised counsel that there would be no changes made to the motion, other than ensuring that the "corruption" within Exhibit V is corrected so that it can be uploaded, and adding exhibit tabs to the motion. Plaintiffs' counsel has consented to these corrections. As such, we respectfully request that the Court deem the re-filed motion timely, which will be completed today.

Respectfully submitted,

Jacqueline Aiello, Esq.

Cc: Alanna Kaufman, Esq. (via ECF)

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